IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 8TH FEBRUARY 2007 / 19TH MAGHA 1928

Bail Appl..No. 677 of 2007()

CRIME NO.195/03 OF MALAYINKEEZHU POLICE STATION WHICH IS ON THE FILE OF JFMC, KATTAKADA.

PETITIONER/ACCUSED (A3)

RAJAN PILLAI @ SANALKUMAR, AGED 54,
S/O.KRISHNA PILLAI, KAVITHA VILASOM,
M.P.XI/364, VETTAMANGALAM, KALATHUVILA,
MARANALLOOR DESOM, MARANALLOOR VILLAGE.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
THE DIRECTOR GENERAL OF PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 677 OF 2007

Dated this the 8th day of February, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the 3rd accused in Crime No.195/2003 of Malayinkeezhu Police Station for offences punishable under Sections 332, 333, 307, 224 and 225 read with section 34 I.P.C. and Section 8(2), 55(a) and 55(g) of the Abkari Act, seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Admittedly, the case is pending in committal proceedings before the JFCM, Kattakada as C.P.No.87/2005, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the committal court and files an application for regular bail, within a period of two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed taking into account the decision of this court reported in ***Sukumari Vs. State of Kerala*** [2001 (1) KLT 22].

The bail application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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